1. **Introduction**

1.1 This Plan outlines how the Commercial Team of Regulatory services intend to fulfil its statutory obligations to enforce food safety and hygiene legislation.

An Equalities Impact Assessment (EIA) has been completed for the delivery of the food safety enforcement service. This is available on the Councils website. No negative effects were identified.

1.2 **Summary.**

The Council’s responsibilities with regard to food hygiene legislation are discharged by the Commercial Team of the Regulatory Services division.

The key points of this service plan are summarized below:

- 100% of those premises in categories A-C that were due to receive an inspection during the year 2018/19 did so.
- 98% of food businesses that are included in the National Food Hygiene Rating Scheme are currently classed as being broadly compliant with food legislation.
- The Council is operating the National Food Hygiene Rating Scheme. This has allowed the council to operate and publicise a publically available food premises rating system to enable consumers to make informed food choices, and drive up standards of compliance with food legislation.

2. **Background**

2.1 **Profile**

The District’s population of 85,382 (2011 census, an increase of 11% since 2001) is split between:

- the market towns of Market Harborough, Lutterworth and Broughton Astley (47%)
- the rural centres of Billesdon, Great Glen, Houghton on the Hill, Husbands Bosworth, the Kibworths and Fleckney (22%)
- Leicester’s Principal Urban Area (PUA) encompassing Bushby, Thurby and Scraptoft (6%).
- The remaining 25% of district residents are dispersed across some c.80 smaller rural villages.

Market Harborough, (population of over 22,000), is the largest settlement in the District and lies on the southern boundary of the District adjacent to Northamptonshire. It has a key role in providing services, employment, public transport, and shopping and leisure
facilities to the surrounding population. Lutterworth and Broughton Astley, both settlements with populations in the region of 9,000, are located in the west of the District.

Harborough District covers an area of 238 square miles of rural south and east Leicestershire. It lies within the East Midlands Region, bordering Warwickshire to the west, Northamptonshire to the south and Rutland to the east. Harborough borders 4 other Leicestershire district authorities, Charnwood, Melton, Oadby and Wigston and Blaby, and adjoins the east of Leicester City at Bushby, Scraptoft and Thurnby.

Its central location means that the District has good access to regional and national transport links. The M1 passes through the District in the west whilst the M6/A14 is located to the south. Other main routes in the District include the A6, A47 and A 508 which between them provide links to Leicester, Northampton, Kettering and Corby. Market Harborough is located on the East Midlands Trains route and has frequent links to London, Leicester and stations to the north. Both East Midlands Airport and Birmingham Airport are within 50 miles of Market Harborough.

2.2 Organisational Structure

The enforcement of food hygiene is delivered by the Commercial Team, part of Regulatory Services. This report is presented as a briefing note to members for their information. The Council has 34 elected Councillors and operates a Leader and Executive form of political management.

Page 4 shows a simple hierarchical chart that details the reporting structure for the Commercial Team. Enforcement of Health and Safety at Work, Infectious Disease Control and smoke free enforcement are also functions of that team.
The Commercial Section is responsible for food safety enforcement in Harborough District Council’s area and enforcement officers are authorised with powers under the Food safety and Hygiene (England) Regulations 2013.
Food Safety Act 1990, European Communities Act 1972 and associated legislation. Officers have all completed the Food Standards Agency officer competency assessment, and have been authorised accordingly.

The statutory routine functions carried out by the service include:

i) Food hygiene inspections and re-visits of commercial undertakings

ii) Investigation of food complaints and food premises complaints.

iii) Food sampling

iv) Investigation of infectious diseases

v) The detainment, examination and seizure of food in appropriate cases

vi) Initiation of legal action where appropriate - written warnings, improvement notices, prohibition notices, formal cautions and prosecution.

In addition, Harborough District Councils Food Safety Enforcement Service also provides:

- Advice and information to businesses during routine inspections.

- The Council has adopted the National Food Hygiene Rating Scheme, a food premises hygiene rating system, where the ratings are available to the public via the internet. Every registered food premises which is within the scope of the scheme is assigned a rating based on the last routine inspection. This ranges from a rating of 0 for failing premises to a score of 5 for those premises that display compliance with food hygiene legislation. The aim of the scheme is to provide consumers with the information to make informed choices about where they purchase their food, and further to drive up standards of food hygiene amongst businesses. The details for each premises can be viewed at [http://ratings.food.gov.uk/](http://ratings.food.gov.uk/) This scheme is operated in conjunction with the Food Standards Agency.

The Commercial Team has close links with other sections within the Council, in particular the Licensing Team, Environmental Protection, Planning & Development Control, Building Control Sections and Economic Development.

Close links have also been made with external agencies to ensure a full, comprehensive food safety service is provided. A suitably accredited laboratory would be used to analyse food complaint specimens and provide a source of professional advice regarding physical and chemical and matters affecting food. The Public Health Laboratory Service (PHLS) analyses food samples, water samples, and tests human faecal samples that the section
submits as part of infectious disease investigations and is able to offer advice and guidance on the microbiological safety of food. These facilities are currently based in London.

2.2.1 Future Action

The delivery of public health has transferred to local authorities as a result of the Healthy Lives, Healthy People White Paper. Harborough District Council has a significant role to play in delivering local health improvement projects. The council will continue to take part in any local service delivery where relevant.

A change in FSA guidance has allowed local authorities to charge for FHRS rescore visits. The charging regime allows businesses to request a rescore visit as soon as improvements are made, unlike previously, and there is no limit to the number of rescores a business can request. Harborough District Council is currently developing a policy to introduce charging to carry out requested revisits to review food hygiene ratings.

3.0 Demand

In Harborough District there are approximately 975 premises subject to food hygiene inspection. There has been an ongoing increase in the number of food businesses in the past year. These are mainly small, independent traders, a large proportion of which are home based businesses.

There are currently 10 approved product specific premises (6 of these are approved for egg packing only). These premises are involved with the production of higher risk foods, such as meat products and egg products. The level of regulation of these particular premises can be higher as the potential harm to public health is greater should control measures fail.

The district has a number of small low risk premises which have restricted access due to limited or seasonal opening, e.g. cricket clubs and village halls. This sometimes makes it difficult to carry out inspections when they are due. Every effort is made to visit these premises whilst they are trading.

Staff and facilities are located at the Council Offices in Market Harborough. The office is open to personal callers Monday, Tuesday, Thursday and Friday from 8.45 hrs to 17:00 hrs. On Wednesday the office is open from 9.30 hrs to 17:00. All officers have mobile telephones with Voicemail facility and personal e-mail addresses. There is 24 hour corporate telephone access in the event of an emergency. There is a generic team email address for enquiries: foodandsafety@harborough.gov.uk

The Councils website holds a wide range of information relating to food hygiene including advice and links to relevant agencies. It is possible to complete and submit food registration forms online.
The Commercial Team currently operates a system of remote working. One of the commercial team officers acts as the duty officer each day, which helps customer services to identify a single point of contact each day. Officers have been equipped to operate from their home and have full access to all necessary IT systems. This supports the council’s priority to reduce the amount of office space that it occupies and to deliver services in an innovative way.

Future actions

3.1.1 To improve efficiency and make the best use of resources, officers are exploring new ways of working. The current focus is to develop a continued improvement of remote working to integrate record keeping procedures and reduce the amount of paperwork generated. The council is undertaking a smarter services project with its aim to improve the services we deliver, both to give residents and businesses a better service and to make our own working practices more efficient.

3.2 **Enforcement Policy**

An Enforcement Policy is in place for Regulatory Services. This was adopted by the Council in 2016 in a revised format that meets the requirements of the Regulators Code. The current document is available from Regulatory Services or on the Council’s website.

3.2.1 Future action

The policy will be reviewed at least every five years.

4. **Service Delivery**

4.1 **Inspection Programme**

Harborough District Council’s Commercial team presently consists the following posts:

- Team Leader (Commercial) (80% FTE) (60% role involved in food hygiene work, including conducting inspections).
- 2 X Environmental Health Officers (80% role involved in food hygiene work)

The premises profile for food businesses is described in paragraph 3.0 above.

Each Environmental Health Officer who undertakes routine food hygiene inspections is allocated a number of food hygiene inspections to undertake each month.

Programmed Inspections are carried out in accordance with the level of risk which is based on a score attributed to each premises by the inspecting officer following inspections. Officers score premises in accordance with the guidance contained in the FSA Food Law Code of Practice (England).
Risk Categories range from category A to E. Category A-C premises are considered high risk in terms of food safety and will receive a full inspection in accordance with the Food Law Code of Practice in accordance with the table below.

<table>
<thead>
<tr>
<th>Category</th>
<th>Minimum Frequency of Inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>at least every 6 months</td>
</tr>
<tr>
<td>B</td>
<td>at least every 12 months</td>
</tr>
<tr>
<td>C</td>
<td>at least every 18 months</td>
</tr>
<tr>
<td>D</td>
<td>at least every 2 years</td>
</tr>
<tr>
<td>E</td>
<td>alternative enforcement strategy</td>
</tr>
</tbody>
</table>

Premises rated as category D are classed as low risk but still receive a full inspection.

Premises rated as category E are subject to an alternative enforcement strategy. This is in the form of a self assessment questionnaire which allows officers to establish which category the premises falls into. If once returned the questionnaire indicates that the premises should fall into category A-D, a full inspection will be made. To ensure that the assessments are accurate a random sample of premises are also subject to inspection.

Premises ratings are fed in to the Idox database at Harborough District Council, allowing a monthly inspection list to be generated.

The food safety inspection programme for 2019/20 is expected to involve approximately 210 routine food inspections of category A-D premises plus the necessary re-visits. Inspections are also carried out whenever a new premise opens. Based on previous years approximately 100 new premises will open during the year.

E.coli food poisoning is fortunately a rare occurrence; however when it does occur it is particularly devastating as it takes very few E.coli organisms to cause illness and the effects are usually severe with often kidney failure and death seen in a high percentage. During interventions officers prioritise examining practices involved in the handling of cooked and raw meats. Highlighting the principles of preventing E. coli infection to the wider catering trade is done through utilising the Food Standards Agency ‘Guidance on the Control of the risk of cross contamination from E.coli O157’, now on its fourth revision. All officers have due regard to its contents during their inspections.

The National Food Hygiene Rating Scheme requires local authorities to carry out re inspections of premises at the request of the food business operator which may prove to be an additional demand on the service.
In February 2016 the Food Standards Agency (FSA) began consultation on the future of food safety regulation. The FSA is looking at a new regulatory model fit for a further 30 years.

This past year has seen:

- Development on the introduction of a new digitally-enabled approach to make it easier for businesses to register and easier for them to access information and guidance that will enable them to get things right from the start. It is anticipated that this scheme will be rolled out during 2019-20.

- Development of a ‘risk engine’ which uses a set of business rules to generate a ‘risk score’ which segments businesses into categories. This categorisation will determine the nature, frequency and intensity of interventions for all new business using the online service to register.

- Developing Standards for Primary Authority National Inspection Strategies for multi-site operators, which place an increased focus on the controls that operate at the business decision making level rather than carried out routinely at each individual outlet.

- Considering the scope for charging fees to recover the costs incurred in undertaking interventions by local councils following Government policy in England (most recently reaffirmed in the report of the Regulatory Futures Review) requiring that businesses should bear the cost of regulation.

4.1.1 Future Action

The Code of Practice for food law enforcement allows local authorities to change the way that they approach this area of work. Officers are allowed some discretion in which of a suite of interventions they apply in all but the two highest risk categories. All premises will continue to receive visits on a regular basis but the depth and focus of the inspection can vary. Officers will be required to use their professional judgment as to the degree of intervention required. This should allow officers the capacity to focus their attentions on those premises that require most help to achieve compliance with legal requirements.

A different approach is now undertaken, with some Category D premises that are broadly compliant being selected to receive a shorter, focused intervention involving taking samples. The impact of this on workload, and the appeal of this approach to food business operators will be assessed.

The council will implement any actions arising as part of the Regulating our future review.

4.2 Cost of providing the service
The following costs are associated with operating the food safety service:

Staff costs (including salaries) £157,385.

Other costs are not able to be identified for the food service as these are included in the costs for the whole of Regulatory Services.

4.3 Complaints

Complaints about food will be dealt with in accordance with the requirements of the Food Law Code of Practice (England).

Last year 12 complaints and enquiries about defective food were made to the Authority. The anticipated resources to service this will be approximately one day per complaint received. Complaints were made concerning 21 food establishments that were causing concern and which required investigation.

Food complaints are logged on the Idox computer system.

A documented procedure for dealing with food complaints is in place.

4.4 Primary Authority Principle

The service adheres to the Primary Authority Principle in line with BRDO and Food Law Code of Practice advice. Certain primarily large, multi outlet food businesses have established a Primary Authority relationship with a local authority, which tends to be where the head office is located. This scheme aims to give these large businesses one local authority that they can build a close working relationship with, and benefit from their expertise. Where a Primary Authority relationship exists, other local authorities must have regard to this and should not take enforcement action in these premises without first discussing it with the Primary Authority. The intention is to encourage consistency for food businesses where they are regulated by several different local authorities.

Harborough District Council does not act as the Primary Authority for any food business but should we be approached by a business to do so, due consideration would be given to the proposal.

Primary Authorities are contacted by the commercial team in relation to food complaints investigation. Inspection plans are followed where these are in place.

4.5 Advice to Business
The Service prides itself on its proactive approach in providing advice to business since it believes this to be an effective method of achieving compliance with legislation. The Enforcement Policy recognises this as a form of informal action. As a result of business activity analysis the decision was taken to reduce this service. During enforcement inspections officers will give advice and guidance in addition to merely detecting compliance and contraventions, but they will not routinely offer pre opening advice visits to new businesses and will not routinely carry out visits to advise on the suitability of premises. Customers are directed to the council's website, which has been updated to provide more comprehensive advice. Officers will continue to provide advice over the telephone or via email as necessary.

Where necessary businesses will be advised of specialist support that they can obtain for themselves. Referrals are made to both business support organisations and the local food and drink forum for more specialist advice. The team has also supported businesses through bringing attention to grants that are available for business development.

Harborough District Council is supporting the Better Business for All initiative, operated by the Leicester and Leicestershire Enterprise Partnership (LLEP). Better Business for All is the LLEP's response to addressing the national priority of reducing the burdens on business to aid economic recovery.

Better Business for All is a local partnership between business and regulatory services in Leicester and Leicestershire. The aim of the partnership is to create the conditions for an effective and efficient local regulatory system to support business growth through removing real and perceived regulatory barriers. Initiatives being developed include an advice signposting service, through the LLEP Gateway, and data sharing. Any initiatives arising from this partnership that might improve the relationship between businesses and enforcers will be investigated.

### 4.5.1 Future Actions

Further improvements will be made to the Council’s web pages to provide tailored advice to businesses.

### 4.6 Food Sampling and Inspection

The Service has a documented procedure for collecting food samples. Samples may be taken as part of investigations into food poisoning outbreaks or complaints and also as part of routine surveillance in selected food businesses. Participation in regional and national sampling surveys will take place when appropriate.

Food samples will be analysed at FWEM Network London Laboratory, with collection points at local authority offices across the county. If samples are collected outside the usual collection days, a courier service will collect the samples from a convenient point.
When necessary a suitable accredited laboratory analyses our food complaint samples.

4.6.1 Future actions

Food sampling will continue during 2019/20.

4.7 Control and Investigation of Outbreaks and Food Related Infectious Diseases

A small number of cases of infectious diseases are reported to the authority every year (salmonellosis, E Coli, etc). 90% of these cases may be of water or food borne origin and are potentially transmissible to other persons. All cases are assessed and investigated accordingly to determine origin and effect control measures. Due to changes with reporting procedures, the council is no longer routinely notified by Public Health England of isolated cases of campylobacter and salmonella infection, which means that not all cases of illness are logged by Harborough District Council.

Notifications are entered onto the Idox database, NOIDS returns are recorded. Investigative questionnaires are sent either by the investigating officer, or PHE dependant on the disease type. Close liaison takes place with PHE for all investigations. Outbreak sample results are reported to Harborough District Council by the E-Lab electronic system.

Subject to there being no large outbreaks, it is estimated that 6 officer days will be required for this activity. The Council has documented procedures for investigating infectious diseases and outbreaks of food borne illness, and works closely with Public Health England.

During the year 2018-19 officers investigated two outbreaks of food borne illness related to commercial premises.

4.8 Food Alerts

The service operates in accordance with the Food Alerts Warning System set out in the Food Law Code of Practice (England). The Food Standards Agency issues Product Withdrawal Information Notices and Product Recall Information Notices to let consumers and local authorities know about problems associated with food. In some cases, a ‘Food Alert for Action’ is issued. This provides local authorities with details of specific action to be taken on behalf of consumers.

The Commercial Section is alerted to a food hazard warnings and allergy alerts by e-mail direct from the Food Standards Agency. The alerts are received by every member of the team, and the Team Leader, or an Environmental Health Officer in their absence, decides on any action required.
Food Alerts are also received by the Team Leader by text messages, which allow necessary action to be considered outside office hours if required. A documented procedure for dealing with food alerts is in place.

4.9 Liaison
The service is a member of numerous groups designed to aid communication and co-operation between relevant food-interested organisations and to ensure a consistent approach between neighbouring local authorities with regards to food enforcement action.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>LIAISON WITH</th>
<th>PURPOSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leicestershire Food Liaison Group</td>
<td>Trading Standards</td>
<td>Co-ordination and consistency of the LA food sampling and analysis role.</td>
</tr>
<tr>
<td>(Quarterly –½ day Representative from Commercial Team)</td>
<td>Public Health Laboratory Service</td>
<td>Consistency of enforcement</td>
</tr>
<tr>
<td></td>
<td>County Analyst</td>
<td>Discussion of enforcement overlap issues with Trading Standards.</td>
</tr>
<tr>
<td></td>
<td>Neighbouring Local Authorities within Leicestershire</td>
<td></td>
</tr>
<tr>
<td>Leicestershire CIEH Food Hygiene Best Practice Group</td>
<td>Neighbouring Local Authorities</td>
<td>Co-ordination of the LA food enforcement role</td>
</tr>
<tr>
<td>(Quarterly –½ day Representative from Commercial Team)</td>
<td>Invited attendees from both the public and private sector (for discussion of issues common to Leicestershire LAs)</td>
<td>To expose the Authority to third party examination by way of Officer Peer Review and Third Party Audit</td>
</tr>
<tr>
<td>Public Health England/ Local Authority Liaison (Forms part of Leicestershire Food Liaison Group)</td>
<td>Public Health England, Infection Control Nurse, Representatives of Local Hospitals, LA Environmental Health Officers, FEW laboratory representatives</td>
<td>To be informed of geographical trends in infectious disease</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To share and acquire knowledge</td>
</tr>
</tbody>
</table>

4.10 Food Safety and Hygiene Promotion
The team has involvement with initiatives either directly or indirectly relating to food hygiene matters which raises awareness amongst the public and aims to assist people achieving and maintaining a healthy lifestyle. Social media is used to promote Food Safety Week and the national food hygiene rating scheme on key dates throughout the year. The council has started to promote premises who have been awarded a 5 rating under the Food Hygiene Rating Scheme.

5. **Resources**

5.1 **Financial Allocation**

The Food Safety service is an integral part of the wider work of Regulatory Services. Paragraphs 4.2 ante indicate the planned operational time allocated for some of this work.

Staff are supported with appropriate equipment and instrumentation particularly for sampling, examining food complaints and health and safety issues. Part of the Departments Operational Equipment and Analysts budgets are available and these need to be preserved at least at current levels.

A documented procedure for the maintenance and calibration of equipment operates.

Regulatory Services uses the Idox information system for planning and recording its food safety activities.

A documented procedure to ensure that the premises database is accurate and up to date is in place.

5.2 **Staff Allocation**

In accordance with the Food Law Code of Practice, Harborough District Council ensures that all its food Enforcement Officers, and the Lead Officer are suitably qualified, experienced and competent to carry out its functions under relevant food hygiene legislation. The Food Law Code of Practice 2015 introduces competency requirements for those delivering official controls, including a baseline qualification requirement and competencies that must be met in order to be authorised to perform certain tasks. All members of the team have been assessed against these competencies, and levels of authorisation reviewed appropriately.

Records of qualifications, certificates of registration and details of update training are all retained by the Department.

Currently, there are three qualified Environmental Health Officers (1 P.T.) authorised by Harborough District Council to carry out official controls.

The Regulatory Services Manager is a Corporate Member of the CIEH. The Team Leader, who acts as the lead officer for food safety, and one of the
environmental health Officers hold Chartered Environmental Health Practitioner status.

A documented procedure for the authorisation of Officers is in place.

5.2.1 Future actions

Officer competencies will be regularly reviewed to ensure competencies are met. Officers will be required to complete the required level of CPD training.

5.3 Staff Development Plan

Funding is available for training; individual’s needs are highlighted through the appraisal system, and during the competency assessment process.

Staff who are members of Professional Bodies (either as Graduate Members, Corporate Members or Chartered Members) are subject to the requirements relating to Continuous Professional Development. The Authority supports this through the training budgets and funds membership of a relevant professional organisation. Training is also given to take account of any new legislation and the effect on the Service.

Regular team meetings are held where current and new issues are discussed and specific issues are considered with in-house training sessions. Notes of meetings are recorded.

Ensuring the expertise of our officers with regard to food safety is of the utmost importance.

5.4 Legal Support

Currently the Legal Services team provides legal support on routine enforcement matters. Where more specialised expert help is required this will be provided by external sources.

6. Quality Assessment

The Service is not externally accredited to ISO 9000:2000 series or equivalent or Charter Mark. The following Auditing arrangements are carried out.

- Performance against the programme of inspections is a standing item on the team meeting agenda
- Consistency is discussed at team meetings and special meetings
- Random checks for accuracy and consistency are made by the Team Leader.
- Peer review exercises are carried out in conjunction with the Leicestershire Food Liaison Group to ensure consistency. In 2017 an inter authority audit was carried out to study the application of the FHRS across all authorities.
- All officers participate in consistency exercises delivered by the Food Standards Agency.

See also Liaison Table 5.8 above concerning Peer Review and Inter authority Audits.

A documented Internal Monitoring Procedure to ensure conformance with the standard, relevant legislation, codes of practice and the authorities own documented policies and procedures is in place.

7. Review.

7.1 Review against the Service Plan

The team management plan for 2018/19 had the following local performance indicator targets:

- % of service users satisfied with the service provided

The target figure for this new indicator was 67%, the end of year outturn was 80% (please note that this figures includes all regulatory services activities), however it should be noted that the sample size was very small as very few responses to questionnaires were received.

An alternative inspection strategy operates for those premises which are classed as category E under the risk rating system as described in part 5.1.

7.2 Variation from the service plan

Some of the premises that did not receive an inspection at the scheduled time were those premises that had restricted access due to seasonal trading or temporary closures. All the outstanding inspections will be carried out in the coming year.

7.3 Action Plan 2019/2020

- The Council will continue to promote and deliver the Safer Food Better Business initiative.
- To publicise the service plan.
- To continue to support and operate the National Food Hygiene Rating Scheme.

- To support the Better Business for All initiative and to complement the work of the Business Development Team

- To continue to promote and enforce the E Coli guidance in applicable businesses

- To implement any changes required as a result of the Food Standards Agency review, Regulating Our Future.

- The Council will implement any changes required if the UK exits the EU, and will provide support and advice to any food businesses affected by this.